

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

GREGORY JOE EDWARDS,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-08-995-R
)	
THE STATE OF OKLAHOMA,)	
et al.,)	
)	
Respondent.)	

ORDER

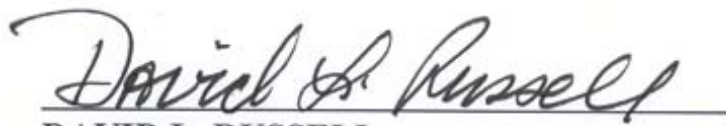
Before the Court are the Report and Recommendation of United States Magistrate Judge Robert E. Bacharach entered December 17, 2008 [Doc. No. 23] and Petitioner’s “Application for Immediate Release” filed December 31, 2008 [Doc. No. 26]. Petitioner’s Objection to the Report and Recommendation was due on or before January 7, 2009 and no pleading denominated an Objection to the Report and Recommendation was filed. Therefore, the Court treats the “Application for Immediate Release” as an Objection to the Report and Recommendation and reviews the latter *de novo* in light of the Objection pursuant to 28 U.S.C. § 636(b)(1)(B).

Petitioner’s “Application for Immediate Release” is wholly unrelated to the conclusions of the Magistrate Judge in the Report and Recommendation and appears wholly unrelated to the matters raised in the “petition” herein. The Court agrees with the Magistrate Judge that the State of Oklahoma is not the proper party respondent to a 28 U.S.C. § 2254 habeas petition, that Respondent’s request for its dismissal should be granted and that the

petition herein should be dismissed as unintelligible and for failure to state a claim upon which relief can be granted.

The Report and Recommendation of the Magistrate Judge [Doc. No. 23] is ADOPTED in its entirety, Respondent's motion to dismiss [Doc. No. 15] is GRANTED and this case is DISMISSED.

IT IS SO ORDERED this 8th day of January, 2009.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE